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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Gary D. HODGEN et al. Group Art Unit: 1617

Serial No.: 08/462,703 Examiner: Edward J. Webman

Filed: June 5, 1995

For: ANTIPROGESTIN METHOD AND KIT FOR REDUCING SIDE EFFECTS ASSOCIATED WITH LOW DOSAGE HRT, ORAL CONTRACEPTION AND REGULATING MENSES

RESPONSE

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

The following is responsive to the Office Action of October 3, 2002.

The Examiner is requiring five additional elections. However, it is emphasized that the clear course for this application is an interference with U.S. Patents 5,468,736 and 5,622,943 for the reasons explained, e.g., in applicants' response of June 5, 2002. It is for this reason that Applicants previously elected claims 54 and 61.

Nevertheless, in order to comply with the Examiner's requirement and expedite the Declaration of the interferences, Applicants provide the following five elections.

1. Applicants elect a method of contraception. Nevertheless, of course, the method of hormone replacement therapy claims, especially since they (like the contraception claims) have been fully examined, are also ripe for interference.

2. Having elected the contraception claims, applicants further elect a method of using progestin and an antiprogestin without estrogen. Such a method is the subject of all claims of the conflicting patent '943 and is elected for this reason.

3. Administration mode of estrogen is irrelevant.

4. Since applicants have not elected a method using estrogen, this election is inapplicable (page 5 of application).

5. Continuous administration of progestin is elected.

All of these elections are made with traverse, both for the reasons stated above with respect to each of the five elections and also because all claims of this application, including claims 42 and 49, have already been thoroughly examined. This is true not only because of the prior examination in this application, but also because of the prior examination and patenting of these concepts in the two conflicting patents mentioned above.

In view of the foregoing and the response filed on June 5, 2002, the Examiner is respectfully urged to take whatever measures are needed to have two interferences declared between claims 54 and 61, on the one hand, and U.S. Patents 5,468,736 and 5,622,943, on the other.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,

Anthony J. Zelano, 27,969
Attorney/Agent for Applicant(s)

MILLEN, WHITE, ZELANO
& BRANIGAN, P.C.
Arlington Courthouse Plaza 1, Suite 1400
2200 Clarendon Boulevard
Arlington, Virginia 22201
Telephone: (703) 243-6333
Facsimile: (703) 243-6410

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